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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/625,020	07/23/2003	Kevin L. Parsons	89199	8420

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EXAMINER

PIERCE, WILLIAM M

ART UNIT PAPER NUMBER

3711

DATE MAILED: 11/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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# Office Action Summary

Application No.

10/625,020

Applicant(s)

PARSONS, KEVIN L.

Examiner

William M. Pierce

Art Unit

3711

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 10 August 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-27, 29-51, 53 and 54 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-27, 29-51, 53 and 54 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

WILLIAM M. PIERCE  
PRIMARY EXAMINER

## Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_.

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**DETAILED ACTION*****Claim Rejections - 35 USC § 103***

Claims 1-27, 29-51, 53 and 54 are rejected under 35 U.S.C. 103(a) as being unpatentable over Parsons 6,283,609 in view of Ashihara 5,192,074 and further in view of Chen 5,446,985 for the reasons set forth in the previous office action and below in response to applicant's remarks.

Claims 1-27, 29-51, 53 and 54 are rejected under 35 U.S.C. 103(a) as being unpatentable over Parsons 6,283,609 in view of Ashihara 5,192,074 and further in view of Chen 5,446,985 and further in view of Pierpoint 5,842,602 for the reasons set forth in the previous office action and below in response to applicant's remarks.

***Response to Arguments***

Applicant's arguments filed 8/10/05 have been fully considered but they are not persuasive. Applicant makes no initial objection to the application of Chen and Parsons in the grounds for rejection.

However, with respect to Ashihara (middle pg. 14), he argues that he "no way show interchangeability of gas for illumination. Examiner does not agree with applicants position. In his fig. 14, Ashihara shows a baton combined with a flashlight. In his fig. 13 he show that this flashlight can be replaced by a gas discharge device. As such to have replaced the gas flashlight of Parsons with a gas discharge device is considered to be fairly taught.

To argue that Ashihara is not of the same type is unpersuasive. First, claim 1, for example, does not even recite the feature of an expandable baton. Further, expandable batons vs. fixed length batons have known advantages and disadvantages and are considered in the art to be common expedients. Support for this position can be found in the fact that Ahihara recognizes expandable batons in fig. 8 of his 4,964,636 Patent. Also in his fig. 12 he shows that the combination of gas ejecting devices with expandable batons are known. There is no evidence of record that "forces would wreak havoc" on gas ejecting devices as stated by applicant. Chen shows an alternate view of the teachings of the applied art where he is only lacking the "coupling" as called for in claim 1. Modifying Chen with a coupling as taught by Parsons would have been obvious in order to allow other devices to be attached to the device. Placing such a coupling on Chen does not destroy any of his teachings since it still functions as disclosed.

With respect to the different lenses, changeable lenses in flashlights like the one shown by Parsons are old and well known as set forth in the previous office action.

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**Conclusion**

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication and its merits should be directed to William Pierce at E-mail address [bill.pierce@USPTO.gov](mailto:bill.pierce@USPTO.gov) or at telephone number (571) 272-4414.

For **official fax** communications to be officially entered in the application the fax number is (703) 872-9306.

For **informal fax** communications the fax number is (703) 308-7769.

Any inquiry of a general nature or relating to the **status** of this application or proceeding can also be directed to the receptionist whose telephone number is (703) 308-1148.

Any inquiry concerning the **drawings** should be directed to the Drafting Division whose telephone number is (703) 305-8335.



WILLIAM M. PIERCE  
SENIOR EXAMINER